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10/722,846	11/25/2003	Craig M. Carter	42P17488	8171
59796 7590 11/07/2008 INTEL CORPORATION c/o INTELLEVATE, LLC			EXAMINER	
			LONG, FONYA M	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Application No. Applicant(s) 10/722,846 CARTER ET AL. Office Action Summary Examiner Art Unit FONYA LONG 3689 -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS. WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). Status 1) Responsive to communication(s) filed on 21 July 2008. 2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-9.11-25 and 27-32 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) _____ is/are allowed. 6) Claim(s) 1-9, 11-25, 27-32 is/are rejected. 7) Claim(s) _____ is/are objected to. 8) Claim(s) _____ are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) ☐ The drawing(s) filed on 25 November 2003 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413)

Notice of Draftsperson's Patent Drawing Review (PTO-948)

Information Disclosure Statement(s) (PTO/SB/08)
 Paper No(s)/Mail Date ______.

Paper No(s)/Mail Date.

6) Other:

5) Notice of Informal Patent Application

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DETAILED ACTION

The following is a Final Office Action in response to communications received July 21, 2008. Claims 10 and 26 have been cancelled. Claims 1, 5, 11, 12, 17, 21, 27, and 28 have been amended. Therefore, Claims 1-9, 11-25, and 27-32 are pending and addressed below.

Response to Amendment

Applicant's amendments to the claims are sufficient to overcome the 112 2nd rejections as set forth in the previous Office Action.

Claim Rejections - 35 USC § 103

- The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- Claims 1, 9, 11, 12, 16, 17, 25, 27, 28, and 32 are rejected under 35 U.S.C.
 103(a) as being unpatentable over Formale et al. (US 2004/0215544) in view of Saunders et al. (US 2003/0233277).

As per Claims 1 and 17, Formale et al. discloses a computer implemented webbased tool for managing used assets (Abstract, discloses a business asset management system) comprising:

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enabling submission of a surplus item into an active items list in the web-based tool, wherein the surplus item is no longer being used by a direct user ([0025-0027] discloses an asset owner being allowed to update inventory information for assets identified as surplus and effectively dispose of or transfer the surplus asset);

assessing a financial value and condition of the surplus item ([0024] discloses the current values of all of the fixed assets of the organization and data relating to the financial allocation of the asset values to the various departments within the organization; and [0036] discloses identifying the condition of the asset);

enabling a company to determine a disposition path for the surplus item based on the assessment of the surplus item ([0028-0029] discloses the asset owner determining the disposition path of the asset (i.e., scrap, loss, donation, sale, or trade),

wherein the disposition path for the surplus item comprises any one of disposition paths including scrapping the surplus item, donating the surplus item, reselling the surplus item, refurbishing the surplus item for reuse, and enabling reuse of the surplus item within the company (Fig. 2, discloses the disposition path for assets being scrap, donate, or sale to an employee or a third party); and

placing the surplus item in an online public catalogue to allow an employee to order surplus items from the online public catalogue, wherein the surplus item will remain in the online public catalogue within a second predetermined time period, wherein an employee orders a surplus time for use with the company, not for personal use ([0035-0037] discloses surplus items being placed on a list that is available to employees via online for purchase for thirty days).

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However, Formale et al. fails to explicitly disclose waitlisting surplus items.

Saunders et al. discloses an automated system that tracks the fulfillment of rainchecks with the concept of comparing, by the web-based tool, a description of the surplus item with items that have been waitlisted by an employee ([0003] discloses comparing inventory with items placed on a raincheck by receiving inventory and matching it with a raincheck form and taping the raincheck form to the item); if a match is found, placing, by the tool, the surplus item on reserve in an on-line personal catalogue ([0003] discloses reserving an item via storing the marked product for the customer); notifying, by the tool, the employee who waitlisted the item that the surplus item has been put on reserve ([0003] discloses notifying the customer that the rainchecked item is available); and enabling the employee to order the item within a first predetermined time period ([0003] discloses the customer having a designated period of time to retrieve the product if the customer does not return for the product, the item is placed on the store shelves for the public).

Therefore, from the teaching of Saunders et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the asset management system of Formale et al. to include items being waitlisted and reserving a surplus item in order to effectively allocate assets to persons in need.

As per Claims 9 and 25, Formale et al. discloses updating one or more databases based on results for the disposition path chosen for the surplus item ([0025] discloses updating the system comprising a personnel, an inventory, and a financial database to reflect the current status of the asset).

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As per Claims 11 and 27, Formale et al. discloses wherein if the surplus item remains in the catalogue within the second predetermined time period without being ordered by an employee, the method further comprises removing the surplus item from the on-line public catalogue for re-evaluation (Claim 10, discloses placing the identified assets on a list of surplus assets for a predetermined period of time. [0036-0037] discloses once the predetermined period has passed, an asset owner can then decide to dispose of the asset such as by scrapping it).

As per Claims 12 and 28, Formale et al. discloses the claimed invention as applied to Claims 1 and 17, above. However, Formale et al. fails to explicitly disclose removing the surplus item from reserve if the person does not order the surplus item.

Saunders et al. discloses an automated system that tracks the fulfillment of rainchecks with the concept of enabling the employee to order the item within a first predetermined time period comprising removing the surplus item from reserve if the employee does not order the surplus item ([0003] discloses the customer having a designated period of time to retrieve the product, if the customer does not return for the product, the item is placed on the store shelves for the public).

Therefore, from the teaching of Saunders et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the asset management system of Formale et al. to include removing the surplus item from reserve if the person does not order the surplus item in order to reallocate the surplus item to a person desiring the surplus item.

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As per Claims 16 and 32, Formale et al. discloses enabling one or more employees to browse an online public catalogue to search for wanted surplus items ([0037] discloses allowing employees to look at available assets via the online asset management system). However, Formale et al. fails to explicitly disclose waitlisting a surplus item.

Saunders et al. discloses an automated system that tracks the fulfillment of rainchecks with the concept of when a surplus item is not found, waitlisting the surplus item, wherein the employee who waitlisted the surplus item is given priority over the waitlisted item ([0003] discloses when runs out of stock for a product, a person receives a raincheck for that item. When the item is re-stocked the person having the raincheck for the item is given priority for the item by the store storing the item for the customers for a designated period of time).

Therefore, from the teaching of Saunders et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the asset management system of Formale et al. to include waitlisting a surplus item as taught by Saunders et al. in order to effectively allocate assets to persons in need.

 Claims 2-4, 6, 18-20, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Formale et al. (US 2004/0215544) in view of Saunders et al. (US 2003/0233277) and in further view of Examiner's Official Notice.

As per Claims 2 and 18, Formale et al. discloses the disposition path for the surplus item comprising scrapping the surplus item ([0028-0029] discloses the asset owner choosing to scrap the surplus asset item). However, the Formale et al. and

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Saunders et al. combination fails to explicitly disclose the item being scrapped when there is no value left in the surolus item.

The examiner takes Official Notice that it is old and well known in the art to scrap an item when there is no value left

Therefore, it would have been obvious to one of ordinary skill in the art at the Formale et al. and Saunders et al. combination to include scrapping an item when the item is of no value in order to aid in reducing the amount of assets that are needed to be managed.

As per Claims 3 and 19, Formale et al. discloses the disposition path for the surplus item comprising donating the surplus item ([0028-0029] discloses the asset owner choosing to donate the surplus asset item). However, the Formale et al. and Saunders et al. combination fails to explicitly disclose the item being donated when the item has value but is no longer beneficial to the company.

The examiner takes Official Notice that it is old and well known in the art to donate terms that have value but no longer is beneficial to the owner (company).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Formale et al. and Saunders et al. combination to include donating an item when the item is of value but is no longer beneficial to the company in order to provide a tax benefit to the company.

As per Claims 4 and 20, Formale et al. discloses the disposition path for the surplus item comprising reselling the surplus item ([0028-0029] discloses the asset owner choosing to sale the surplus item to an employee or to a third party). However,

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the Formale et al. and Saunders et al. combination fails to explicitly disclose reselling the surplus item when the value of the surplus item outweighs the benefit of the item to the company.

The examiner takes Official Notice that it is old and well known in the art to resell an item that has value that outweighs the benefit to the owner (company).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Formale et al. and Saunders et al. combination to include reselling an item that has value that outweighs the benefit to the company in order to make profit for the company.

As per Claims 6 and 22, Formale et al. discloses the disposition path for the surplus item comprising enabling reuse of the surplus item (Abstract, discloses reusing surplus items by allowing employees to be able to transfer assets to other employees). However, the Formale et al. and Saunders et al. combination fails to explicitly disclose reusing the surplus item when the item provides value for the company.

The examiner takes Official Notice that it is old and well known in the art to reuse (i.e. retain) an item when the item is of value to the company.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Formale et al. and Saunders et al. combination to include reusing an item that has value to the company in order to save money for the company.

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Examiner Notes: If Applicant does not seasonably traverse the well known statement during examination, then the object of the well known statements is taken to be admitted prior art. In re Chevenard, 139 F.2d 71, 60 USPQ 239 (CCPA 1943). MPEP 2144.03 Reliance on Common Knowledge in the Art or "Well Known" Prior Art.

Claims 5 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over
 Formale et al. (US 2004/0215544) in view of Saunders et al. (US 2003/0233277) and in further view of Kelly et al. (5.424,944) and Examiner's Official Notice.

The Formale et al. and Saunders et al. combination discloses the claimed invention as applied to Claims 1 and 17, above. However, the combination fails to explicitly disclose refurbishing the surplus item.

Kelly et al. discloses a method for controlling the disposition of an asset with the concept of refurbishing the surplus item for reuse of the surplus item within the company (Abstract, discloses a method of asset disposition wherein an asset owner may decide to refurbish the asset).

The examiner takes Official Notice that it is old and well known in the art to refurbish items that have value but are in need of repairs such as used computers and cars.

Therefore, from the teaching of Kelly et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Formale et al. and Saunders et al. combination to include refurbishing the surplus item as taught by Kelly et al. in order to eliminate the cost of purchasing a new item.

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 Claims 7 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Formale et al. (US 2004/0215544) in view of Saunders et al. (US 2003/0233277) and in further view of Wang (US 2004/0117287).

The Formale et al. and Saunders et al. combination discloses the claimed invention as applied to Claims 1 and 17, above. However, the combination fails to explicitly disclose reviewing product information, depreciation information, and asset information.

Wang et al. discloses a method for valuing fixed assets with the concept of reviewing product information ([0009] discloses reviewing product information such as asset name and asset type), depreciation information ([0021] discloses reviewing depreciation information), and asset information ([0018] discloses reviewing asset information such as asset purchase prices).

Therefore, from the teaching of Wang et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Formale et al. and Saunders et al. combination to include reviewing product information, depreciation information, and asset information as taught by Wang et al. in order to determine to cost savings for the disposition of each asset.

 Claims 8 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Formale et al. (US 2004/0215544) in view of Saunders et al. (US 2003/0233277) and in further view of DeWolf et al. (US 2002/0032626).

Formale et al. discloses the claimed invention as applied to Claims 1 and 17, above. However, the combination fails to explicitly disclose determining a reseller;

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adding the surplus item to a lot for the reseller, and shipping the surplus item to the reseller.

DeWolf et al. discloses a global asset information registry with the concept of reselling the surplus item comprising: determining a reseller ([0073] discloses deciding to sell the asset to a buyer who may be a reseller after obtaining ownership rights); adding the surplus item to a lot for the reseller ([0080] discloses a lot of asset items being provided to a distributor (i.e., reseller)); and shipping the surplus item to the reseller ([0080] discloses shipping the lot of asset items to a distributor (i.e., reseller)).

Therefore, from the teaching of DeWolf et al., it would have been obvious to one ordinary skill in the art at the time the invention was made to modify the Formale et al. and Saunders et al. combination to include determining a reseller, adding the surplus item to a lot for the reseller, and shipping the surplus item to the reseller in order to acquire money by reselling the surplus item.

 Claims 13 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Formale et al. (US 2004/0215544) in view of Saunders et al. (US 2003/0233277) and in further view of Wiecha (5,870,717) and Gilberto et al. (US 2003/0158791).

Formale et al. discloses enabling one or more employees to browse an on-line public catalogue to search for wanted surplus items ([0036-0037] discloses allowing employees to look at available assets via the online asset management system); and updating one or more databases with information regarding the surplus item upon receipt of the response ([0025] discloses automatically updating the financial records which are stored on the financial database to reflect the status change of the asset).

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However, the Formale et al. and Saunders et al. combination fails to explicitly disclose ordering the surplus item; obtaining approval of the ordered surplus item; and shipping the surplus item.

Wiecha discloses a system for ordering item over a computer network with the concept of ordering a surplus item (Abstract, discloses an employee submitting an order for an item); awaiting approval of the ordered surplus item (Col. 1, Lines 25-30, discloses awaiting approval of the purchase order); if the ordered surplus item is approved, enabling the surplus item to be shipped to the employee (Col. 1, Lines 39-40, discloses submitting the purchase order to the supplier on behalf of the employee).

Therefore, from the teaching of Wiecha, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Formale et al. and Saunders et al. combination to include ordering the surplus item and obtained approval of the ordered surplus item as taught by Wiecha in order to save money by reusing assets within the company.

Gilberto et al. discloses a method for facilitating shipment in a networked environment with the concept of notifying the employee that the surplus item has been shipped ([0037[discloses shipping information being visible to the customer wherein [0043] shipping information includes showing the status of shipment as "shipped"); and awaiting a response from the employee that the surplus item has been received ([0010] discloses a seller receiving shipment confirmation that a customer has received their order).

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Therefore, from the teaching of Gilberto, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Formale et al., Saunders et al., and Wiecha combination to include shipping the surplus item as taught by Gilberto et al. in order to provide the employee with the asset.

 Claims 14, 15, 30, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Formale et al. (US 2004/0215544) in view of Saunders et al. (US 2003/0233277) and in further view of Wiecha (5,870,717), Gilberto et al. (US 2003/0158791), and Officer (US 2003/0233243).

As per Claims 14 and 30, the Formale et al., Saunders et al., Wiecha, and Gilberto et al. combination discloses the claimed invention as applied to Claims 13 and 29, above. However, the combination fails to explicitly disclose providing incentive credits to employees.

Officer discloses a method for cross site capital asset sharing with the concept of providing incentive credits to employees for submitting surplus items that are reused within the company ([0028] discloses providing an incentive to employees for participation to capital asset sharing initiative program).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Formale et al., Saunders et al., Wiecha, and Gilberto et al. combination to include providing incentive credits to employees as taught by Officer in order to recognize the employees efforts in providing cost savings resulting from the sharing of assets.

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As per Claims 15 and 31, the Formale et al., Saunders et al., Wiecha, and Gilberto et al. combination discloses the claimed invention as applied to Claims 14 and 29, above. However, the combination fails to explicitly disclose sending appreciation emails.

Officer discloses a method for cross site capital asset sharing with the concept of sending appreciation emails to employees for submitting surplus items that are reused within the company ([0012] discloses sending an email to express appreciation for savings attributable to at least one of the groups involved in sharing the asset).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Formale et al., Saunders et al, Wiecha, and Gilberto et al. combination to include sending appreciation emails as taught by Officer in order to show gratitude to the employees for their efforts in providing cost savings resulting from the sharing of assets.

Response to Arguments

 Applicant's arguments filed July 21, 2008 have been fully considered but they are not persuasive.

As per Claims 1, 11, 12, 16, 17, 27, 28, and 32, Applicant argues the Formale et al. and Saunders et al. combination fails to teach waitlisting items. Examiner asserts that Saunders et al. teaches the concept of waitlisting items by entering raincheck information into a database pertaining to items that are unavailable but desired by the customer (100211).

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Applicant also argues that the Formale et al. and Saunders et al. combination fails to disclose the web-based tool being used for selecting the disposition of a surplus item, by a direct user. Examiner asserts that Formale et al. discloses a direct user ([0021] via an asset owner who is a person or a department in possession of a particular asset and responsible for its care) selecting the disposition of a surplus item ([0029] discloses the asset owner selecting one of the disposition options for an asset such as "scrap", "donation", or "sale to employee").

Applicant argues that the Formale et al. and Saunders et al. combination fails to disclose the web-based tool managing used assets. Examiner asserts the web-based managing used assets are considered non-functional descriptive material. The fact that the assets are used does not change the function of the claimed invention in Claims 1 and 17. Examiner contends that the Formale et al. and Saunders et al. combination is fully capable of utilizing used assets.

Applicant also argues that the Formale et al. and Saunders et al. combination fails to disclose the items being waitlisted by an employee and the reuse of the item to be within the company. Examiner asserts the items being waitlisted by an employee is considered non-functional descriptive material. The fact that an employee waitlists the items does not change the function of the claimed invention in Claims 1 and 17, Examiner contends that the Formale et al. and Saunders et al. combination is fully capable of having an employee waitlist the items. Examiner also asserts that Formale et al. discloses reusing items within the company (Abstract, via a listing of surplus assets that can be utilized by other employees in the company is created and made available

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to the employees, and employees are able to transfer assets to other employees (i.e. reuse)).

Applicant argues that the Formale et al. and Saunders et al. combination fails to disclose placing the surplus items in an on-line public catalogue when a match a waitlisted items is not found in the on-line tool. Examiner asserts that Saunders et al. discloses placing rainchecked items (i.e. waitlisted items) in a storage location in order to be set aside for the raincheck customer ([0024]). Examiner interprets that to mean items that are not raincheck items are placed in public stock and not set aside for the raincheck customer. Formale et al. discloses placing items in an on-line public catalogue ([0036-0037] via providing an online asset management system that allows employees to look at available assets).

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, both Formale et al. and Saunders et al. teach the transferring of goods or items wherein there is a provider (i.e., retail merchant and asset owner) and a consumer (i.e., customer and an employee).

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As per Claims 2-8, 13-15, 18-24, and 29-31, all rejection made towards the dependent claims are maintained due to lack of reply by the applicant in regards to distinctly and specifically point out the supposed errors in the examiner's action in the prior Office Action (37 CFR 1.111).

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to FONYA LONG whose telephone number is (571)270-5096. The examiner can normally be reached on Mon-Thur 7:30am-6:00pm EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janice Mooneyham can be reached on (571) 272-6805. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/F. L./ Examiner, Art Unit 3689

/Janice A. Mooneyham/ Supervisory Patent Examiner, Art Unit 3689 Application/Control Number: 10/722,846 Page 19

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